

Juvenile Confinement in Context

BY RICHARD A. MENDEL

For more than a century, the predominant strategy for the treatment and punishment of serious and sometimes not-so-serious juvenile offenders in the United States has been placement into large juvenile corrections institutions, alternatively known as training schools, reformatories, or youth corrections centers.

Excluding the roughly 21,000 youth held in detention centers daily awaiting their court trials or pending placement in a correctional program, the latest official national count of youth in correctional custody, conducted in 2010, found that roughly 48,000 U.S. youth were confined in correctional facilities or other residential programs each night on the order of a juvenile delinquency court.¹ For perspective, that's about the same number of adolescents that currently reside in midsize American cities like Louisville, Kentucky; Nashville, Tennessee; Baltimore, Maryland; and Portland, Oregon. A high proportion of these confined youth are minorities. According to the most recent national count, 40 percent of confined youth are African Americans and 21 percent are Hispanics; non-Hispanic white youth, who comprise almost 60 percent of the total youth population, were just 34 percent of the confined youth.²

America's heavy reliance on juvenile incarceration is unique among the world's developed nations. Though juvenile violent crime arrest rates are only marginally higher in the United States than in many other nations, a recently published international comparison found that America's youth custody rate (including youth in both detention and correctional custody) was 336 of every 100,000 youth in 2002—

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nearly five times the rate of the next highest nation (69 per 100,000 in South Africa).³ As the figure below shows, a number of nations essentially don't incarcerate minors at all. In other words, mass incarceration of troubled and troublemaking adolescents is neither inevitable nor necessary in a modern society.

State juvenile corrections systems in the United States confine youth in many types of facilities, including group homes, residential treatment centers, boot camps, wilderness programs, or county-run youth facilities (some of them locked, others secured only through staff supervision). But the largest share of committed youth—about 36 percent of the total—are held in locked long-term youth correctional facilities operated primarily by state governments or by private firms under contract to states.⁴ These facilities are usually large, with many holding 200–300 youth. They typically operate in a regimented (prison-like) fashion and feature correctional hardware such as razor wire, isolation cells, and locked cellblocks.

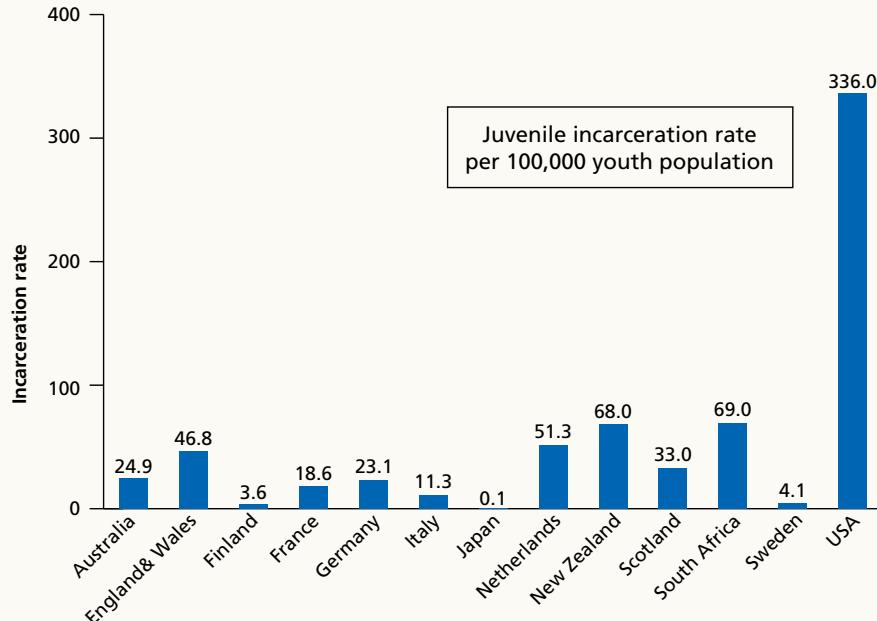
However, an avalanche of research has emerged over the past three decades about what works and doesn't work in combating juvenile crime. *No Place for Kids: The Case for Reducing Juvenile*

Incarceration, the report from which this sidebar is drawn, provides a detailed review of this research and comes to the following conclusion: we now have overwhelming evidence showing that wholesale incarceration of juvenile offenders is a counterproductive public policy. While a small number of youthful offenders pose a serious threat to the public and must be confined, incarcerating a broader swath of the juvenile offender population provides no benefit for public safety. It wastes vast sums of taxpayer dollars. And more often than not, it harms the well-being and dampens the future prospects of the troubled and lawbreaking youth who get locked up. Incarceration is especially ineffective for less-serious youthful offenders. Many studies find that incarceration actually increases recidivism among youth with lower-risk profiles and less-serious offending histories.

Large, prison-like correctional institutions are frequently:

1. Dangerous: America's juvenile corrections institutions subject confined youth to intolerable levels of violence, abuse, and other forms of maltreatment.
2. Ineffective: The outcomes of correctional confinement are poor. Recidivism

Youth Incarceration Rate: United States vs. Other Nations



SOURCE: NEAL HAZEL, CROSS-NATIONAL COMPARISON OF YOUTH JUSTICE (LONDON: YOUTH JUSTICE BOARD, 2008), IN RICHARD A. MENDEL, *NO PLACE FOR KIDS: THE CASE FOR REDUCING JUVENILE INCARCERATION* (BALTIMORE: ANNIE E. CASEY FOUNDATION, 2011).

rates are almost uniformly high, and incarceration in juvenile facilities depresses youths' future success in education and employment.

3. Unnecessary: A substantial percentage of youth confined in youth corrections facilities pose minimal risk to public safety.
4. Obsolete: The most striking finding of recent research is that juvenile rehabilitation programs tend to work if, and only if, they focus on helping youth develop new skills and address personal challenges.
5. Wasteful: Most states are devoting the bulk of their juvenile justice budgets to correctional institutions and other facility placements when nonresidential programming options deliver equal or better results for a fraction of the cost.
6. Inadequate: Despite their exorbitant daily costs, most juvenile correctional facilities are ill-prepared to address the needs of confined youth, many of whom suffer with problems related to mental health, substance abuse, special education needs, and more. Often, these facilities fail to provide even the minimum services appropriate for the care and rehabilitation of youth in confinement.

For the small percentage of juvenile offenders who do need secure facilities, the superiority of small, community-based juvenile corrections facilities over larger, conventional training schools is widely recognized in the juvenile justice field. The advantages of smaller facilities include the chance to keep youth close to home and engage their families, greater opportunity to recruit mentors and other volunteers, and a more hospitable treatment environment.

The primary mission of small secure facilities, as well as group homes and other placement facilities, should be to help youth make lasting behavior changes and build the skills and self-awareness necessary to succeed following release. In pursuing this mission, states will do well to follow the example of Missouri,⁵ which closed its long-troubled training schools in the early 1980s. Since then, Missouri's Division of Youth Services (DYS) has divided the state into five regions and built a continuum of programs in each, ranging from day treatment programs and

nonsecure group homes, to moderately secure facilities located in state parks and college campuses, to secure care facilities. None of the facilities holds more than 50 youth, and each of the state's six secure care facilities houses just 30 to 36 youth. In every Missouri facility, youth are placed in small groups that participate together in all education, treatment, meals, recreation, and free time. Throughout their stays in DYS facilities, youth are challenged to discuss their feelings, gain insights into their behaviors, and build their capacity to express their thoughts and emotions clearly, calmly, and respectfully—even when they are upset or angry. DYS staff engage the families of confined youth and work with family members to devise successful reentry plans. DYS assigns a single case manager to oversee each youth from the time of commitment through release and into aftercare, and it provides youth with extensive supervision and support throughout the critical reentry period.

Through this approach, Missouri has achieved reoffending rates that are lower than those of other states. For example, in states other than Missouri, available studies show that 26 to 62 percent of youth released from juvenile custody are reincarcerated on new criminal charges within three years, and 18 to 46 percent within two years. In Missouri, the three-year reincarceration rate is just 16.2 percent.⁶ (To learn more about how Missouri rehabilitates youthful offenders, see the article that starts on page 2.)



youth correctional facilities have been shuttered in 18 states nationwide, and several other states have closed units within facilities and reduced bed capacity without shutting down entire facilities.

However, while this wave of facility closures and bed reductions is important and long overdue, it offers little reassurance for the future. In many states, the primary cause for closures has been the short-term fiscal crisis facing state governments. In other states, federal investigations or private class-action lawsuits have been the driving force behind facility closures. The common thread has been that most decisions to shut down facilities have been ad hoc and reactive. The closures have not been based on any new consensus among policy leaders or any new philosophic commitment to reducing reliance on juvenile incarceration, and they have not been informed by evidence-based consideration of how states should best pursue the path toward reduced incarceration.

Looking to the future, we must build a youth corrections system that is rooted in best practice research. Not only do state and local justice systems have to offer a balanced mix of treatment and supervision programs, but they must also calibrate their systems to ensure that each individual youth is directed to the treatments, sanctions, and services best suited to his or her unique needs and circumstances.

For the first time in a generation, America has the opportunity to redesign the deep end of its juvenile justice system. The open question is whether we will seize this opportunity, whether we will not only abandon the long-standing incarceration model but also embrace a more constructive, humane, and cost-effective paradigm for how we treat, educate, and punish youth who break the law. □

The time has come for states to embrace a fundamentally different orientation to treating adolescent offenders—an approach grounded in evidence that promises to be far more humane, cost-effective, and protective of public safety than our timeworn and counterproductive reliance on juvenile incarceration. Fortunately, we are seeing an encouraging shift away from juvenile incarceration in many states. From 1997 to 2007, the total population of youth in correctional placements nationwide declined 24 percent, and the total in long-term secure correctional facilities dropped 41 percent. Of the 45 states reporting data on the number of youth in correctional custody in both 1997 and 2007, 34 reduced their confinement rates.⁷ Since 2007, 52

Endnotes

1. Melissa Sickmund, T. J. Sladky, Wei Kang, and Charles Puzzanchera, "Easy Access to the Census of Juveniles in Residential Placement" (2011), available at www.ojjdp.gov/ojstatbb/ezacjr.
2. Sickmund et al., "Easy Access to the Census of Juveniles in Residential Placement."
3. Neal Hazel, *Cross-National Comparison of Youth Justice* (London: Youth Justice Board, 2008).
4. Sickmund et al., "Easy Access to the Census of Juveniles in Residential Placement."
5. Richard A. Mendel, *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders* (Baltimore: Annie E. Casey Foundation, 2010), www.aecf.org/-/media/Pubs/Initiatives/Juvenile%20Detention%20Alternatives%20Initiative/MOModel/MO_Fullreport_webfinal.pdf.
6. Mendel, *The Missouri Model*.
7. 1997 data from Melissa Sickmund, T. J. Sladky, and Wei Kang, "Census of Juveniles in Residential Placement Databook," available online at www.ojjdp.gov/ojstatbb/ezacjr; and 2007 data from Melissa Sickmund, *State Rates of Residential Placement of Juvenile Offenders by Placement Status, Facility Type, and Facility Size: 2007* (Pittsburgh, PA: National Center for Juvenile Justice).